

AMENDED IN ASSEMBLY MAY 11, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 308

Introduced by Assembly Member Cook

*(Coauthors: Assembly Members Bill Berryhill, Davis, De Leon,
DeVore, Fletcher, Harkey, Knight, and Nestande)*

(Coauthors: Senators Huff and Runner)

February 17, 2009

An act to add Section 3312 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 308, as amended, Cook. Special absentee voters.

(1) Under existing law, special absentee voters, including members of the armed forces and their spouses and dependents, citizens of the United States living outside the country, and those serving on a merchant vessel documented under the laws of the United States, may apply for vote by mail ballots. Existing law also requires that these voters be sent vote by mail ballots in future elections.

This bill would require local elections officials to prepare a special runoff ballot for each primary, special, or general election to send to special absentee voters that would be counted if there is a runoff election for any of the offices in that election. By increasing the duties of local elections officials, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3312 is added to the Elections Code, to
2 read:

3 3312. (a) ~~For voters who qualify as special absentee voters~~
4 *each voter who qualifies as a special absentee voter* pursuant to
5 subdivision (b) of Section 300, and who ~~are~~ *is* temporarily living
6 outside of the territorial limits of the United States or the District
7 of Columbia, the elections official shall prepare a special runoff
8 ballot for each primary, special, or general election for which there
9 may be a runoff election held within 90 days of that election to be
10 sent to the voter, in addition to the regular runoff ballot, for the
11 purpose of allowing ~~their votes~~ *his or her vote* to also be counted
12 if there is a runoff election.

13 (b) (1) The special runoff ballot shall contain a list of all offices
14 being contested for which there may be a runoff election held
15 within 90 days of that election and the candidates qualifying for
16 the election in each office.

17 (2) The special runoff ballot shall permit the elector's vote to
18 be counted in a runoff election by indicating his or her order of
19 preference for each candidate for each office.

20 (3) (A) To indicate his or her order of preference for each
21 candidate for each office, the voter shall mark the special runoff
22 ballot by writing the number one next to the name of the candidate
23 who is the voter's first choice, the number two for the voter's
24 second choice, and so forth, so that, in consecutive numerical order,
25 a number indicating the voter's preference is written by the voter
26 next to the candidate's name on the special runoff ballot.

27 (B) However, the voter shall not be required to indicate his or
28 her preference for more than one candidate on the special runoff
29 ballot if he or she chooses.

30 (C) The completed special runoff ballot shall be received by
31 the elections official by the close of the polls on the day of the
32 runoff election.

1 (4) In the event of a runoff election, the elections official shall
2 tabulate the special runoff ballot by counting the ballot as a vote
3 for that candidate in the runoff election who is ranked the highest
4 on the special runoff ballot as chosen by the special absentee voter.
5 If a special absentee voter receives a regular runoff ballot for the
6 runoff election and returns it by the close of the polls on the day
7 of the runoff election, then the elections official shall tabulate that
8 ballot and shall not tabulate any special runoff ballot previously
9 returned by that voter.

10 (5) Instructions shall be sent with the special runoff ballot to
11 the qualified voter explaining the runoff voting process for special
12 absentee voters.

13 SEC. 2. If the Commission on State Mandates determines
14 that this act contains costs mandated by the state, reimbursement
15 to local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.